



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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Paper no. 18
MAILED

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Office of the Director
Group 3600

In re Applications of
Henry Beisner
SERIAL NO. 09/847,093
FILED: May 2, 2001
FOR: ADAPTIVE FILTER TO REDUCE
MULTIPATH

DECISION ON REQUEST
FOR SUPERVISORY REVIEW
UNDER 37 CFR §1.181

This is a decision on the request filed August 13, 2003 which was included as part of a response to a Final Rejection and is treated as a petition to exercise the supervisory authority of the Commissioner to assign a different examiner to application 09/847,093.

Applicant alleges that the examiner fails to follow proper examination procedure and is inadequately skilled to give a fair examination.

With regard to examination procedure, examiner appears to be attempting to follow the procedure set forth in MPEP 7.02.01 for Obviously Informal Cases.

With regard to the technological issues applicant raises regarding lack of examiner skill, it is noted that the examiner has attempted to respond to these in the advisory action mailed on August 26, 2003. For example, the examiner describes on page 2, in the third paragraph how "This objection was not based on the fact that elements such as 'analog to digital processing' and digital processing' are not understood." The content of the advisory action suggests that there may have been some misunderstanding of the examiner's intended position by applicant that the examiner has now attempted to remedy.

No abuse of discretion or inadequate skill on the part of the examiner has been convincingly demonstrated. Since no arbitrary or capricious behavior on the part of the examiner has been shown, the application will remain with the examiner of record.

The details of the arguments as to whether or not the rejections made by the examiner under 35 USC 112 are proper or not have not been addressed here as such arguments are properly decided on appeal and not on petition.

Accordingly, the petition is **DENIED**.


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tht/snm: 9/2/03

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